CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	✓ Force	☑ Discourt. ☐ U.S.	
Jeffrey Mulinelli (S)		Squad #7	201710282	✓ Abuse	☐ O.L. ☐ Injury	
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Incident Date(s)		Location of Incident:		Precinct:	18 Mo. SOL EO SOL	
Tuesday, 12/05/2017 12:06 AM		§ 87(2)(b)		83	6/5/2019 6/5/2019	
Date/Time CV Reported		CV Reported At:	How CV Reported	l: Date/Tim	ne Received at CCRB	
Tue, 12/05/2017 6:05 PM		IAB	Phone	Wed, 12/	/13/2017 12:29 PM	
Complainant/Victim	Type	Home Add	ress			
Witness(es)		Home Add	ress			
Subject Officer(s)	Shield	TaxID	Command			
1. POM Jonathan Martinez	20330	958881	083 PCT			
2. POM Michael Amundsen	12780	960159	083 PCT			
Witness Officer(s)	Shield N	o Tax No	Cmd Name			
1. POM Sean Kalletta	07800	963586	083 PCT			
Officer(s)	Allegatio	on		Inv	vestigator Recommendation	
A.POM Michael Amundsen	Force: Peagainst §	olice Officer Michael A	Amundsen used physi	ical force		
B.POM Jonathan Martinez		Force: Police Officer Jonathan Martinez used physical force against \$87(2)(6)				
C.POM Michael Amundsen		Police Officer Michael property.	Amundsen damaged	§ 87(2)(b)		
D.POM Jonathan Martinez		Discourtesy: Police Officer Jonathan Martinez spoke discourteously to §87(2)(b)				
E.POM Jonathan Martinez		olice Officer Jonathan ith a baton.	Martinez struck § 87(2)	(b)		
F.POM Jonathan Martinez		Force: Police Officer Jonathan Martinez used physical force against \$87(2)(5)				
G.POM Michael Amundsen		Abuse: Police Officer Michael Amundsen threatened § 87(2)(b) with the use of force.				
H.POM Jonathan Martinez		Police Officer Jonathan ith the use of force.	Martinez threatened	§ 87(2)(b)		
I.POM Michael Amundsen	Force: Poagainst §	olice Officer Michael A	Amundsen used physi	ical force		

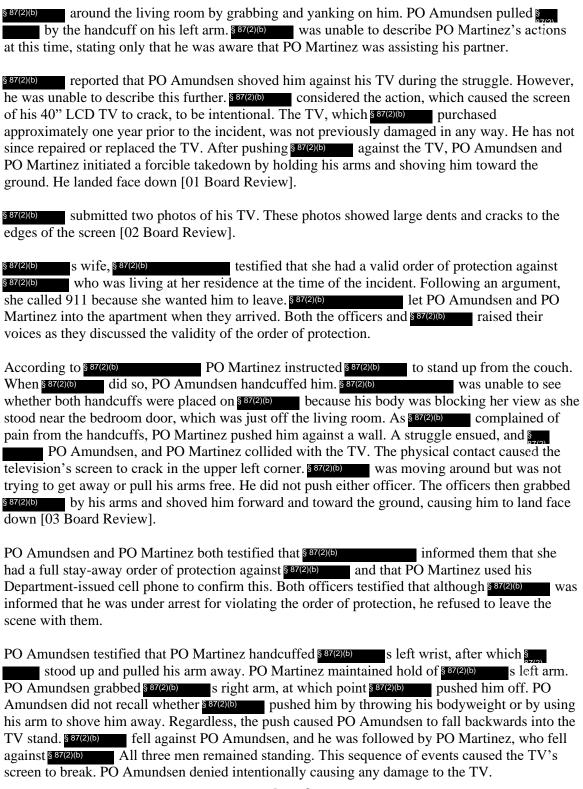
Case Summary

On December 5, 2017, Captain Hugo Dominguez of the 83rd Precinct called the Internal Affairs who made allegations of police misconduct while in Bureau (IAB) on behalf of §87(2)(b) custody. IAB forwarded this complaint to the CCRB via log number 17-48891 on December 13, 2017. On December 5, 2017, at approximately 12:06 a.m., PO Michael Amundsen and PO Jonathan Martinez, of the 83rd Precinct, responded to a 911 call from §87(2)(b) that her husband, § 87(2)(b) was in her home and in violation of an order of protection. When PO Amundsen placed one handcuff on \$87(2)(6) s left wrist, a physical struggle ensued. PO Amundsen and PO Martinez allegedly wrestled 887(2)(b) around the living room by grabbing and pulling on his body (Allegations A and B: Force, \$87(2)(9)). PO Amundsen allegedly pushed §87(2)(b) against his TV, causing damage to it (Allegation C: Abuse of). PO Amundsen and PO Martinez then allegedly used a forcible Authority, § 87(2)(g) takedown against § 87(2)(b) (also Allegations A and B: Force, § 87(2)(g) Once on the ground, PO Martinez allegedly told \$87(2)(b) "Put your hands behind your fucking" back," and, "Shut the fuck up" (Allegation D: Discourtesy, \$87(2)(9) PO Martinez struck § 37(2)(b) with a baton and punched him (Allegations E and F: Force, § 37(2)(9) PO Amundsen then pointed his Taser at (Allegation G: Abuse of Authority, was handcuffed and escorted out of the apartment, at which time PO Martinez allegedly threatened to throw him on the stairs (Allegation H: Abuse of Authority, He was then placed into an RMP by PO Amundsen, who allegedly grabbed § 87(2)(b) Is handcuffs and pulled his arms upward, causing pain (Allegation I: Force, reported that her roommate, who she knew only as may have been downstairs to witness \$87(2)(b) being placed into an RMP. was arrested and charged with § 87(2)(b) . The arrest was assigned to PO Sean Kalletta of the 83rd Precinct. did not record any part of this incident. Given that the incident occurred within her apartment, there was no surveillance footage available. **Findings and Recommendations** Allegation A – Force: Police Officer Michael Amundsen used physical force against 387(2)(5) Allegation B – Force: Police Officer Jonathan Martinez used physical force against [887/2][5] Allegation C – Abuse of Authority: Police Officer Michael Amundsen damaged § 37(2)(b) s property. testified that he was seated on the living room couch and speaking with the officers

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when PO Amundsen placed a handcuff on his left wrist. \$87(2)(b) stood up of his own volition. He was not instructed to sit down. PO Amundsen did not reach for \$87(2)(b) s free hand, nor did prevent him from doing so. Rather, PO Amundsen and PO Martinez began wrestling

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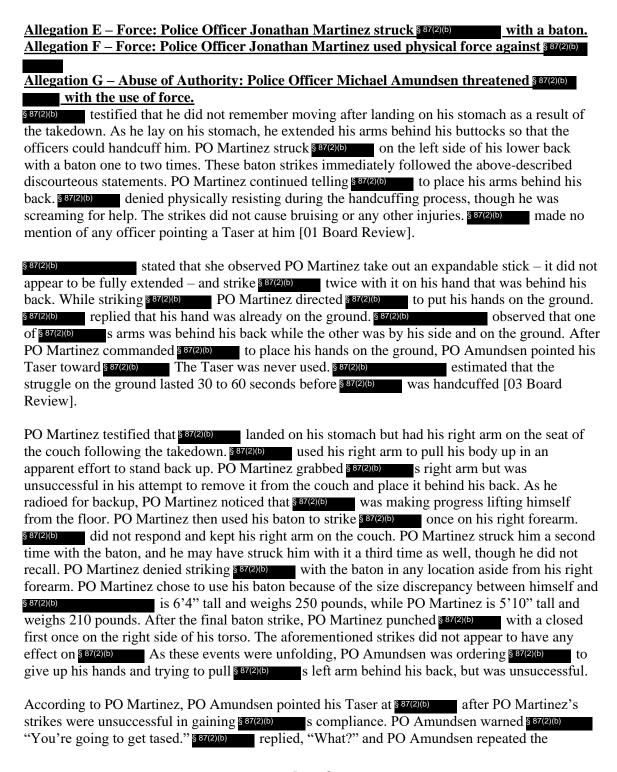
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PO Amundsen stated that he used a hold, which he referred to as a "chicken wing," taught in the He hooked his arm under § 87(2)(b) Academy to regain control of § 87(2)(b) s armpit and then used both arms to put downward pressure on \$87(2)(b) s back and push him to the ground. PO Martinez also put pressure on \$87(2)(b) s back to bring him to the ground, but PO Amundsen did not see exactly how PO Martinez was positioned. § \$7(2)(b) landed chest down on the ground [04 Board Review]. PO Martinez's testimony was generally consistent with PO Amundsen's. He stated that he handcuffed \$87(2)(b) s left arm, at which time \$87(2)(b) stood up and moved away from PO Martinez. PO Amundsen tried to grab \$87(2)(b) s right arm, but \$37(2)(b) pushed him backward. PO Martinez did not see exactly how \$87(2)(b) pushed PO Amundsen, but he observed PO Amundsen fall backward into the TV. PO Amundsen landed in a seated position against the TV stand. He did not know whether this contact damaged the TV, though he noticed damage to the TV before he left the apartment. PO Martinez then pushed \$87(2)(5) against the wall. He did not know if \$87(2)(b) made contact with the TV at this point. While \$87(2)(b) against the wall, PO Martinez grabbed his left arm, tripped him, and pulled his arm down to the ground. He was unsure whether PO Amundsen participated in the takedown. \$87(2)(b) was not sure how §87(2)(b) landed [05 Board Review]. PO Amundsen and PO Martinez reported that they were injured during the struggle with PO Amundsen testified that he strained muscles in his back and left shoulder, and that he completed three to four weeks of physical therapy. He was out of work with this line of duty injury until January 3, 2018. PO Martinez reported that he sustained a laceration to the middle knuckle on his right hand and a muscle strain in his right shoulder. He missed two days of work due to this line of duty injury [04-05 Board Review]. AIDED Reports for both officers were prepared by PO Martinez. PO Martinez's AIDED Report detailed injuries consistent with his CCRB testimony. The AIDED Report for PO Amundsen noted that he sustained injuries to his left shoulder and left wrist but made no mention of a back injury [14 Board Review]. Line of Duty Injury Reports were unavailable through IAB [06 Board Review1. TRI reports prepared by PO Amundsen and PO Martinez consistently reported that [8] 87(2)(b) resisted and used force against the officers, specifically by pushing and shoving. PO Martinez's TRI report noted that (\$307(2)(b) used a hand strike against an officer, but in his CCRB interview PO Martinez revealed that this was a typographical error and had not occurred. Both reports acknowledged the use of a forcible takedown against [07 Board Review]. § 87(2)(g) § 87(2)(b) s arrest report reflected that he was charged with § 87(2)(b) [15 Board Review]. It is undisputed that force was used against \$37(2)(b) and that his TV was damaged during the course of the struggle. § 87(2)(9)

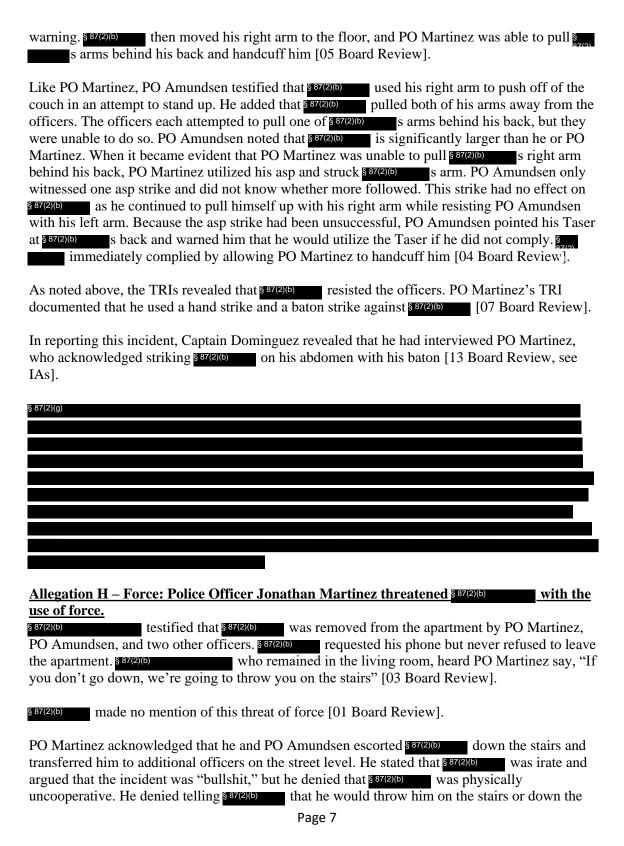
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§ 87(2)(g)
Allegation D – Discourtesy: Police Officer Jonathan Martinez spoke discourteously to
testified that he was taken to the ground by the officers, after which PO Martinez told him, "Put your arms behind your fucking back." reported that he had already his arms extended behind his back, and that he verbally informed the officers of this. PO Martinez allegedly responded, "Shut the fuck up" [01 Board Review].
In her sworn statement, \$\frac{\\$87(2)(b)}{\\$0 months arm while on the ground. PO Martinez then told \$\frac{\\$87(2)(b)}{\\$0 months arm while on the ground. PO Martinez then told \$\frac{\\$87(2)(b)}{\\$0 months arm while on the ground. PO Martinez repeated this command replied that his hand was already on the ground. PO Martinez repeated this command verbatim a short time later. In her sworn statement, \$\frac{\\$87(2)(b)}{\\$0 months arm while on the ground," and was already on the ground. PO Martinez repeated this command made no mention of any officer using the word "fuck" at any point. However, during a follow-up call, \$\frac{\\$87(2)(b)}{\\$0 months arm while on the ground," and was already on the ground. PO Martinez repeated this command werbatim a short time later. In her sworn statement, \$\frac{\\$87(2)(b)}{\\$0 months arm while on the ground," and \$\frac{\\$87(2)(b)}{\\$0 months arm while on the ground, and are arm while of the ground, and are arm while o
PO Martinez and PO Amundsen acknowledged struggling to handcuff [887(2)(6)] after taking him to the ground. However, both officers denied making the alleged statements, using the word "fuck" at any point, or hearing any other officer do so [04-05 Board Review].
§ 87(2)(g)

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stairs. Further, he denied threatening to use force against \$87(2)(5) or hearing any other officer do so [05, 08 Board Review].
PO Amundsen made no mention of any resistance offered by \$87(2)(b) at this time or of any threat of force made by an officer [04 Board Review].
§ 87(2)(g)
Allegation I. Forger Police Officer Michael Amundgen word physical force against SOZIONN
Allegation I – Force: Police Officer Michael Amundsen used physical force against 887(2)(b)
reported that he was placed into an RMP by PO Amundsen, who then shut the door with \$87(2)(b) seated sideways in the rear seat. PO Amundsen then walked around to the other side of the vehicle, opened the rear door, grabbed \$87(2)(b) s handcuffs, and pulled his arms in an upward direction, causing pain. PO Amundsen closed the door a short time later, and was transported to the stationhouse [01 Board Review].
did not go downstairs with \$87(2)(b) and the officers and therefore did not witness the alleged misconduct. She stated that their former roommate, who she knew only as may have been downstairs and could have witnessed the incident. \$87(2)(b) provided a phone number for \$87(2)(b) but stated that she may have moved to Thailand. Attempts were made to contact \$87(2)(b) but the investigation was unable to reach her [03 Board Review, see IAs].
PO Amundsen testified that \$87(2)(b) was yelling and cursing while being placed into the RMP, though he had no issue placing \$87(2)(b) inside. He closed the door immediately afterward and neither he nor PO Martinez reentered the backseat. Neither officer grabbed or pulled \$87(2)(b) shandcuffs [04 Board Review].
PO Martinez denied that \$87(2)(b) was placed into his RMP. He did not know who placed into an RMP, and did not know of \$87(2)(b) resisting during this process. He stated that no officer pulled \$87(2)(b) shandcuffs or arms in an upward direction while he was inside the RMP or at any other point [05 Board Review].
§ 87(2)(g)
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Civilian and Officer CCRB Histories This is the first CCRB complaint to which § 87(2)(b) has been a party [10 Board Review]. PO Amundsen has been a member of service for two years and has been a subject in one prior CCRB complaint and one allegation, which is pending investigation. PO Martinez has been a member of the service for two years and has been a subject in two prior complaints and four other allegations, none of which were substantiated. **Mediation, Civil and Criminal Histories** This case was unsuitable for mediation due to § 87(2)(b) s arrest. As of March 2, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard this to complaint [Board Review 11]. § 87(2)(b) § 87(2)(c) Squad No.: 7 Investigator: Signature Print Title & Name Date Squad Leader: _ Signature Print Title & Name Date

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Print Title & Name

Date

Signature

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Reviewer: